

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES OF AMERICA, *et al.*,)
)
Plaintiffs,)
)
v.) Civil Action No. 1:23cv0108 (LMB/JFA)
)
GOOGLE LLC,)
)
Defendant.)

ORDER

This matter is before the court on the following motions to seal or objections to the use of confidential information filed by third parties (“motions to seal): Prebid (Docket no. 1594); Magnite (Docket no. 1595); Sovrn (Docket no. 1596); Yahoo (Docket no. 1600); Disney (Docket no. 1603); PubMatic (Docket no. 1607); Adobe (Docket no. 1608); LinkedIn (Docket no. 1611); Amazon (Docket no. 1616); Equative (Docket no. 1621); OpenX (Docket no. 1624); Index Exchange (Docket no. 1630); Meta (Docket no. 1636); Microsoft and Xandr (Docket no. 1643); The Trade Desk (Docket no. 1648); Adzerk/Kevel (Docket no. 1649); Omnicom (Docket no. 1657); YieldMo (Docket no. 1660); and Verizon (Docket no. 1677). The court has reviewed the motions to seal and the supporting memorandum filed by the third parties and plaintiffs’ omnibus memorandum in response (Docket no. 1734).¹ No other person or entity has filed a response or objection to these third party motions to seal.

¹ This order addresses only the third party motions to seal relating to the exhibits the parties have indicated they intend to use during the remedy trial beginning on September 22, 2025. This order does not address defendant’s motion to seal trial exhibits (Docket no. 1633) or Meta’s request that the courtroom be sealed during all of Dr. Bjedov’s testimony.

Plaintiffs' response opposes in part the motions to seal filed by Meta, Index Exchange, OpenX, Prebid, and The Trade Desk. (Docket no. 1734 at 4–6). Plaintiffs' response states that they do not oppose the motions to seal filed by the remaining third parties. (Docket no. 1734 at 6–7). For the five motions to seal that plaintiffs have opposed, plaintiffs' and those third parties have agreed on the way their documents containing confidential information will be protected during the remedies trial. (Docket no. 1734 at 4–6).

Having reviewed the motions to seal, the memoranda in support, and plaintiffs' response, and taking into account that this information relates to confidential and commercially sensitive information of third parties, the court finds that the third parties have satisfied the more strict *First Amendment* standard set forth in *Va. Dep't of State Police v. Wash. Post*, 386 F.3d 567, 575 (4th Cir. 2004) and that the motions to seal filed by Magnite (Docket no. 1595); Sovrn (Docket no. 1596); Yahoo (Docket no. 1600); Disney (Docket no. 1603); PubMatic (Docket no. 1607); Adobe (Docket no. 1608); LinkedIn (Docket no. 1611); Amazon (Docket no. 1616); Equative (Docket no. 1621); Microsoft and Xandr (Docket no. 1643); Adzerk/Kevel (Docket no. 1649); Omnicom (Docket no. 1657); YieldMo (Docket no. 1660); and Verizon (Docket no. 1677) are granted. In addition, the court finds that the motions to seal filed by Prebid (Docket no. 1594); OpenX (Docket no. 1624); Index Exchange (Docket no. 1630); Meta (Docket no. 1636); and The Trade Desk (Docket no. 1648) are granted in part.

Prebid's motion is granted as to the narrower redactions to Mr. Racic's deposition designation outlined in plaintiff's memorandum. (Docket no. 1734 at 6). OpenX's motion is granted as the redacted version of PRX 172, 173 and 174 attached to plaintiffs' memorandum and its request to seal OPENX-AGG-LIT 00000001.001 and OPENX-AGG-LIT 00000001.002. Index Exchange's motion to seal is granted in part as to using anonymized identifiers in PRX

135, 139, 145, 154, and 167 and PTX 1238, 1265, 1280, 1292, 1393, 1395, and 1444 in lieu of sealing these exhibits and granted as to its request to seal the remaining exhibits. Meta's motion to seal is granted in part as to using anonymized identifiers in PRX 136 and PTX 1388 in lieu of sealing those exhibits and granted as to the request to seal or redact the remaining exhibits identified in Meta's motion. The Trade Desk's motion to seal is granted in part as to using anonymized identifiers in PRX 136, 146 and 147 in lieu of sealing those exhibits and granted as to the request to seal the remaining exhibits identified in The Trade Desk's motion.

Entered this 15th day of September, 2025.

Alexandria, Virginia

/s/
John F. Anderson
United States Magistrate Judge

John F. Anderson
United States Magistrate Judge